

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.9021 OF 2006

BETWEEN:

Ponnuri Chinna Venkata Reddy son of Ranga Reddy
...petitioner

vs.

Southern Power Distribution Company of Andhra Pradesh
Tirupati and four others
...Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.9021 OF 2006

ORDER:

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The writ petition is devoid of merits. The petitioner claims to be the proprietor of M/S.Rajeswari Rice & Floor Mill, Kandulavaripalli Village, Donakonda Mandal, Prakasam District. On 17-04-1999 the mill was inspected by the 4th respondent and on a *prima facie* assessment of pilferage of energy, the anti-power theft squad, Nellore district instituted a complaint. However, the Judicial First Class Magistrate, Darsi by the judgment dated.02-07-2004 acquitted the petitioner in C.C.No.164 of 2001, of the charge of theft of electricity. However, the 2nd respondent issued a provisional assessment notice dated.22-05-1999 provisionally assessing the value of the pilfered energy at Rs.3,61,728/-. The petitioner submitted his objection on 19-06-1999 denying the allegations.

The primary authority-Superintending Engineer, Assessments, Cuddapah by a proceeding dated.30-08-1999 made a final determination, assessing the liability of the petitioner at Rs.1,24,063/-. Aggrieved thereby the petitioner preferred an appeal to the 1st respondent. The 1st respondent-appellate authority by the order dated.01-02-2002 rejected the appeal. The petitioner having kept quiet for over four years submitted a representation on 20-03-2006 claiming to have been acquitted in the criminal case and proposing to pay the minimum consumption charges. This representation was

rejected by the 1st respondent by the communication dated.28-03-2006 directing the petitioner to pay Rs.1,24,063/- as a condition precedent for restoring the power supply. The petitioner did not pay. Thereupon the respondent issued a distraint order under the provisions of the Revenue Recovery Act. Aggrieved whereby the writ petition is filed.

The petitioner neither pleads nor establishes any factual circumstances warranting a review of the concurrent findings of the 2nd and 1st respondents concluding that the petitioner was involved in pilferage of energy. In the circumstances no case is made out for interfering either with the primary order of the assessment or the appellate order rejecting the petitioner's appeal. Consequently the distraint order issued pursuant to the petitioner's failure to pay the amount determined as liable is impeccable and warrants no interference. No other submission is made. There are no merits.

The writ petition is dismissed. No order as to costs.

GODA RAGHURAM,J

5TH JUNE 2006
*TSNR/PVSN